

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 445 by Representative Baldone

DWI: Provides with respect to penalties for refusal to submit to DWI tests

Synopsis of Senate Amendments

1. Removes provision that provides that each time a person refuses to submit to a chemical test when stopped for suspicion of driving while intoxicated, that person shall pay a fee of \$250 to be used for the implementation and maintenance of the Impaired Driving Tracking System provided for in R.S. 15:1228.9.
2. Requires that a person's intoxication must be determined by the trier of fact to be the contributing factor of the fatality or serious bodily injury when such person's license is being suspended for a period of time without benefit of eligibility for a hardship license.
3. Provides that upon a person's refusal to submit to a chemical test, rather than his first refusal, that his driver's license will be suspended for one year rather than two years and one year without benefit of edibility for a hardship license when a fatality or serious bodily injury occurs.
4. Provides that a person's license will be suspended for two years, rather than four years, upon a second or subsequent refusal occurring within five years of the date of a refusal to submit to the test, rather than a first refusal to submit to the test.
5. Provides that a person's license will be suspended for two years without benefit of eligibility for a hardship license, rather than four years without benefit of eligibility for a hardship license, upon a second or subsequent refusal occurring within five years of the date of a refusal to submit to the test, rather than a first refusal to submit to the test, when fatality or serious bodily injury occurs.

Digest of Bill as Finally Passed by Senate

Present law provides that a person's driver's license will be suspended for 180 days from the date of suspension upon first refusal to submit to a chemical test and 545 days, without benefit of hardship license, on subsequent refusals occurring within five years of the first refusal; however, if the person was under 21 at the time of first refusal, his driver's license will be suspended 180 days from the date of suspension.

Proposed law deletes present law.

Present law provides that until Sept. 30, 2003, if the person submitted to the test and the test results show a blood alcohol level of 0.10% or above, his driver's license will be suspended for 90 days from the date of suspension on first offense, without a hardship license for the first 30 days, and for 365 days from the date of suspension, without a hardship license, on subsequent violations occurring within five years of the first offense. If the person was under 21 on the date of the test and the test results show a blood alcohol level of 0.02% or above, his driver's license will be suspended for 180 days from the date of suspension.

Proposed law repeals present law.

Present law provides that if the person refuses to submit to the test in any case where a

fatality occurred or a person sustained serious bodily injury as a result of an accident, his license will be suspended 545 days from the date of suspension without a hardship license.

Proposed law repeals present law.

Proposed law provides for the following driver's license suspension periods if a person refuses to submit to a chemical test when stopped for suspicion of driving while intoxicated:

- (a) One year from the date of suspension on first refusal.
- (b) One year, without benefit of eligibility for a hardship license, in the event that a fatality occurred or a person sustained serious bodily injury as a result of an accident and the person's intoxication is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury.
- (c) Two years from the date of suspension on the second and subsequent refusal occurring within five years of the date of the first refusal to submit to the test.
- (d) Two years from the date of suspension on the second and subsequent refusal occurring within five years of the date of the first refusal to submit to the test, without the benefit of eligibility for a hardship license in the event that a fatality occurred or a person sustained serious bodily injury as a result of an accident and the person's intoxication is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury.

Effective Sept. 1, 2009.

(Amends R.S. 32:667(B)(2); repeals R.S. 32:667(B)(1)(a) and (4))